

DFW



ATTORNEY DOCKET NO.: SP02-264A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Ljerka Ukrainczyk, et al.

Serial No: 10/733921

Art Group Unit: 8597

Filing Date: December 11, 2003

Examiner: Ellen E Kim

Title: LENSED FIBER FOR OPTICAL
INTERCONNECTIONS

RESPONSE

Mail Stop: Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT

In the Office Action dated June 6, 2005, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

- Group I. Claims 1 - 17, drawn to an optical fiber, classified in class 385, subclass 33;
- Group II. Claims 18 - 32, drawn to a method of making an optical fiber including splicing methods steps, classified in class 385, subclass 95+; and

The Examiner asserted the following:

The inventions are distinct for from each other because of the following...The inventions are distinct if either both of the following can be shown (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05 (f)). In the instant case that the lensed optical fiber as claimed in Group I can be made by using adhesive for coupling two optical elements. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and the search required for

Group I is not required for Group II, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicate is proper.

Applicants hereby provisionally elect, without traverse, claim 1-17 for prosecution. Furthermore, Applicants select the "different radius of curvature of the convex region" species for prosecution on the merits. However, contrary to the examiners' assertion, Applicants believe that claim 3, rather than claim 2, is directed at this species of the claimed invention. Additionally, Applicants asserts that the following claims are reasonable on the aforementioned elected species, 1,2,4,6,8,9,10,11 and 17.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Timothy M. Schaeberle at 974-3164.

Respectfully submitted,

CORNING INCORPORATED

Timothy M. Schaeberle
Registration No. 34,424
Corning Incorporated
Patent Department
Mail Stop SP-TI-03-1
Corning, NY 14831

Date: 7/18/05

CERTIFICATE OF MAILING UNDER 37

C.F.R. § 1.8: I hereby certify that this paper and any papers referred to herein are being deposited with the U.S. Postal Service, as first class mail, postage prepaid, addressed to Commissioner of Patents, Alexandria, VA 22313-1450 on July 18, 2005

Timothy M. Schaeberle, Signature